REMARKS

Claims 1-48 were submitted for examination, and all stand rejected. Claims 1, 5, 6, 8, 9,10, 13, 17, 18, 19 22, 25, 33, 34, 37, 41, 42, 43, 44, 45, 46 have been amended. In addition, the specification and drawings have amended to overcome objections recited in the Office Action. The independent claims remaining in the case are claims 1, 13, 25 and 37. In view of the amendments and following remarks, Applicants submit that all claims remaining in the case are in condition for allowance.

As an initial matter, the Applicants note that the Office Action indicates that two references were not considered because they were not provided in English. Applicants are submitting herewith an Information Disclosure Statement that includes a translation of the abstract for the first reference, EPO Publication EP 0600112. The other reference mentioned in the Office Action, the Richt reference, is *not* re-submitted herewith.

Rejections under 35 U.S.C. § 112, second paragraph

The Specification and Claims 10, 22, 34, and 46 have been amended to capitalize each occurrence of "WINDOWS ®". The rejection has been overcome, and such claims are in condition for allowance.

Rejections under 35 U.S.C. § 102 (e)

Claims 1-48 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,421,006 to Jablon, et al. ("Jablon ''006) However, Jablon '006 fails to suggest, disclose or teach all limitations for each rejected claim. Accordingly, the Office

Action fails to make a prima facie case of anticipation, and such rejections should be withdrawn.

Jablon '006 discloses a method and device that prevents execution of corrupted programs at the time of system initialization (See Abstract; see also Col. 1, lines 10 – 12: "an improved method and device for assessing the integrity of computer software during the system initialization process"). The Jablon '006 method and device are particularly directed to systems that utilize the "ringless 'real addressing mode" of the DOS operating system. (Jablon '006, Col. 3, lines24-26; see also Jablon '006, col. 10, lines 19-21). That is, Jablon '006 is specifically directed away from protection rings and multi-ring architectures (see Col. 3, lines 1 – 63) (Jablon '006 addresses systems running DOS, with ringless "real" addressing mode).

Jablon '006 fails to disclose, teach, or suggest the limitations of the claims as presented. In particular, regarding Claim 1, Jablon '006 at least fails to disclose, teach or suggest the following limitation: "the OS nub further being associated with a ring hierarchy level." For at least this reason, Claim 1 is allowable. Also for at least this reason, Claims 2 – 12, which depend from Claim 1, are also allowable.

Regarding Claim 13, Jablon '006 at least fails to disclose, teach or suggest the following limitation: "the OS nub further being associated with a ring hierarchy level". (Claim 13, in part). For at least this reason, Claim 13 is allowable. Also for at least this reason, Claims 14 – 24, which depend from Claim 13, are also allowable.

Regarding Claim 25, Jablon '006 at least fails to disclose, teach or suggest the following limitation: "the OS nub further being associated with a ring hierarchy level." (Claim 25, in part). For at least this reason, Claim 25 is allowable. Also for at least this reason, Claims 26 – 36, which depend from Claim 25, are also allowable.

Regarding Claim 37, Jablon '006 at fails to disclose, teach or suggest the following limitation: "the operating system nub further being associated with a ring hierarchy level." (Claim 37, in part). For at least this reason, Claim 37 is allowable. Also for at least this reason, Claims 38 - 48, which depend from Claim 37, are also allowable.

Accordingly, all independent claims are in condition for allowance. For at least the foregoing reasons, all dependent claims are also in condition for allowance.

Applicants respectfully submit that the applicable rejections have been overcome and must all be withdrawn. All claims are therefore in condition for allowance.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666. The Examiner is requested to call Shireen Irani Bacon at (512) 732-3917 to set up an interview if the Examiner feels that such interview would be useful.

Respectfully submitted,

Dated: August 30, 2004

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APPENDIX A

Replacement drawing for Fig. 1A

Replacement drawing for Fig. 1B

Replacement drawing for Fig. 1C

Replacement drawing for Fig. 2

Replacement drawing for Fig. 3A

Replacement drawing for Fig. 3B

Replacement drawing for Fig. 3C

Replacement drawing for Fig. 3D

Replacement drawing for Fig. 3E

Replacement drawing for Fig. 4

Replacement drawing for Fig. 5

Replacement drawing for Fig. 6

Replacement drawing for Fig. 7

Amendments to the Drawings

Replacement drawings are submitted herewith, in Appendix A, for the figures, which include Fig. 1A, Fig. 1B, Fig. 1C, Fig. 2, Fig. 3A, Fig. 3B, Fig. 3C, Fig. 3D, Fig. 3E, Fig. 4, Fig. 5, Fig. 6, and Fig. 7. These replacement figures overcome the objection for Figs 2-7 that is based on 37 CFR 1.84(g), because they have appropriate margins. Also, all reference numerals in the replacement drawing for Fig. 7 are legible, thereby overcoming the objection to Fig. 7 based on 37 CFR 1.84(p)(1). Such objections should be withdrawn.

Applicants respectfully point out that the reference numeral for manifest 307 is present in Fig. 3D as presented. The replacement drawing for Fig. 3D also includes manifest 307. Accordingly, the objection that the drawings do not include reference numeral 307 should be withdrawn.

The Office Action also objects, according to 37 CFR 1.84(p)(5), that the following reference numerals of from the drawings are not mentioned in the description: 135, 395, 396, 397, 398, 357, 341 and 708. The specification has been amended to include reference numerals 395, 398, 357, 341 and 708. In addition, Fig. 1C has been amended to delete reference numeral 135. Also, Fig. 3A has been amended to delete reference numerals 396 and 397. The objection has been overcome and should be withdrawn.

The Office Action also erroneously objects, according to 37 CFR 1.84(p)(5), that the following reference numerals of from the drawings are not mentioned in the description: 365, 706, and 707. However, reference numeral 365 is present in the Application at page 20, lines 11- 12: "a decryptor **365**, a storage medium 310, and a comparator 315." (emphasis added) Similarly, reference numerals 706 and 707 are present at page 26 of the Application. Reference numeral 706 appears at line 13 of page

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26; reference numeral 707 appears at line 14 of page 26. Accordingly, such objections are improper and should be withdrawn.

In the replacement drawing for Fig. 3E, reference numeral 365 has been changed to 311, to correct an inadvertent duplication of reference numerals.

In the replacement drawing for Fig. 3B, a second occurrence of reference numeral 365 has been changed to 315, in order to correct another inadvertent duplication of reference numerals.

The Office Action objects to the drawings because the specification gives two different descriptions for item "10" on p. 9, lines 5 and 6. The specification has been amended to include only one description of item 10. This objection to the drawings has thus been overcome.